

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTSCASE NO. CR04-10231United States of America
PLAINTIFFPeter Maggio et al
DEFENDANTVictor WildWilliam White, James MerbergScott Lopez, Elliot WeinsteinJoseph Oteri, Joseph TodyCOUNSEL FOR PLAINTIFFCOUNSEL FOR DEFENDANTJUDGE WolfCLERK O'LearyREPORTER RomanowCLERK'S NOTES

DATES:	Sentencing Hearing
10/24/06	Court allows Motion to admit pro hac vice of Joseph Tody on behalf of the defendant Michael O'Neil. Court reviews the filings on behalf of each of the defendants with the parties. Court inquires as to each defendant whether they have read their PSRs and whether they are factually accurate other than the matters raised in the objections to the PSR. Court puts the defendant Maggio and his counsel on notice that it is considering an upward departure. Court goes over Maggio's objections to the PSR. Defendant Maggio takes the stand and is sworn. Government calls Sean Sacco - defendant takes the stand and is sworn. Government calls Louis Paradiso - defendant takes the stand and is sworn. Court makes the necessary rulings on the objections and calculates the guidelines as TOL 26, CH - IV, , 92-115 months custody, 24-36 months supervised release, \$12.5K - \$125K fine, 15,7214,860 restitution and \$1100 special assessment fee. Court excuses the remaining defendants for lunch and orders them back at 2:00 this afternoon. Court holds a closed hearing with regard to Mr. Maggio. Court seals this portion of the proceeding. Defendant calls ADA William Freeman - witness takes the stand and is sworn. Defendant Maggio takes the stand and is reminded he remains under oath. Court resumes after a brief lunch break under seal with the defendant Maggio. Courtroom is unsealed and continues with all counsel/defendants present. Government recommends a sentence of 92 months custody, 36 months supervised release, \$1100 special assessment fee, \$15,731,860 restitution (joint & several liability) and \$12.5 fine for each count. Maggio requests a sentence of 60 months custody with recommendation that the defendant participate in BOP drug treatment program and give credit for time served sooner than the government's recommendation. Defendant Maggio addresses the court. Court reserves judgment on Maggio's sentence and now turns to the defendant, O'Neil. Court goes over the parties objections to the PSR. Court

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